



Town of Southern Shores

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Planning Board Meeting

November 21, 2016

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Sam Williams called the meeting to order at 5:30 p.m. Planning Board Members Gray Berryman, Elizabeth Morey, David Neal, Sam Williams, and alternate member Carlos Gomez were present.

II. PLEDGE OF ALLEGIANCE:

Chairperson Williams led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

David Neal motioned to approve the agenda. Gray Berryman seconded the motion. The motion passed unanimously (5-0).

IV. APPROVAL OF MINUTES:

David Neal motioned to approve the minutes of the October 17, 2016 Planning Board Meeting. Gray Berryman seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

None.

VI. OLD BUSINESS:

None.

VII. NEW BUSINESS:

A. Ginguite Woods Wastewater Treatment Plant Replacement

Chairperson Williams introduced the application and asked Town Planner, Wes Haskett to present the staff report. Wes Haskett presented the staff report and referenced a letter prepared by the Town Engineer, Andy Deel (both attached).

The applicant, Bob Howsare, and the applicant's representative, Mike Robinson, explained the project and the history of the property. The properties underlying the wastewater treatment plant (WTP) and the lagoon will be recombined as required by the State (North Carolina Department of Environmental Quality) and the Town.

David Neal asked if the common area is covered by the Southern Shores Landing Homeowners Association (HOA). Bob Howsare stated that part of it was and that the intent is to replace the WTP and establish a non-profit that would oversee the plant

which would involve the HOA and the Property Owners Association (POA) for the western property.

Carlos Gomez asked how the 12,000 gallons per day (gpd) Membrane Bioreactor System would serve the western property and about the proposed use of the western property. Bob Howsare explained that they had met with the State and reviewed the daily monitoring reports and doubled what they showed which can be increased if needed. The proposed use of the western property owned by SAGA Construction and Development would be commercial or mixed use with townhomes. Mike Robinson explained that a "wet out" would be used to provide what is needed from the system.

Gray Berryman asked why the system needs replacement after only being in service for 14 years. Mike Robinson stated that the existing WTP is metal and it wasn't properly maintained. The proposed replacement would be plastic. Bob Howsare stated that the HOA and POA would be responsible for maintaining the system and that the State could take it over should it fall into disrepair again as it is now currently being overseen by the State.

Gray Berryman asked about potential flooding and screening of the WTP. Mike Robinson stated that flooding would have to exceed the top of the system because most of the system will be underground. There is currently sufficient screening that will be replaced if removed during construction.

Carlos Gomez asked how the system would keep going during the replacement. Mike Robinson stated that the new system will be installed next to the existing system and it will be set up and tested while the existing system keeps running.

The Board discussed concerns regarding the County Health Department's capacity requirements and if the proposed capacity was sufficient. Southern Shores Landing currently contains 114 bedrooms with most of the dwellings being occupied by one or two occupants or small families which could increase should the economy change. Bob Howsare explained that the proposed capacity was established by the State. The required gpd were established for Southern Shores Landing and the remaining gpd were allocated to the commercial site.

It was noted by the Board that Section 32-5, (a) cannot be satisfied during the application review since the Dare County Health Department does not review and approve projects of this nature.

The Board discussed concerns regarding funding to maintain the WTP and asked when the replacement would be complete. Bob Howsare stated that they first needed to obtain the Town's and State's approval which could take 90 to 120 days. Installation of the replacement would take 2 to 3 weeks to complete. The system could be online in summer or fall of 2017.

Elizabeth Morey motioned to recommend approval of the WTP replacement to the Town Council with the conditions listed in the staff report along with the condition that the applicant must strictly abide by all applicable requirements of the Town Code and with all other applicable State requirements. Gray Berryman seconded the motion. The motion passed unanimously.

VIII. Public Comment

None.

IX. PLANNING BOARD MEMBER COMMENTS:

Gray Berryman stated that he hopes that the Town Council has the Southern Shores Landing HOA approval when they consider the application.

Chairperson Williams stated that Chapter 32 of the Town Code should be modified so that it can be applied correctly to WTP applications.

X. ANNOUNCEMENTS:

Chairperson Williams stated that the next meeting will be held on December 19, 2016. The agenda includes consideration of VA-16-02 and an appeal application.

XI. ADJOURNMENT:

Elizabeth Morey motioned to adjourn the meeting. David Neal seconded the motion. The motion passed unanimously and the meeting adjourned at 6:45 p.m.

ATTEST:



Sam Williams, Chairperson

RESPECTFULLY SUBMITTED:



Wes Haskett, Town Planner

STAFF REPORT

To: Southern Shores Planning Board
Date: November 16, 2016
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Michael W. Robinson, P.E., P.L.S.
P.O. Box 2852
Kill Devil Hills, NC 27948

Requested Action: Ginguite Woods Wastewater Treatment Plant Replacement

Location: Multiple parcels adjacent to Southern Shores Landing and U.S. Highway 158

Zoning: RS-10, Residential District and C, General Commercial District

Existing Land Use: Residential

Surrounding Land Use & Zoning:

North- Residential; R-1, Low Density Residential District and RS-10, Residential District

South- U.S. Highway 158

East- Commercial; C, General Commercial District

West- Commercial; C, General Commercial District

Physical Characteristics: Developed (existing wastewater treatment plant)

Applicable Regulations: Town Code: Chapter 32, Utilities

ANALYSIS

The applicant seeks approval to replace the existing private wastewater system (wastewater treatment plant) that is adjacent to and currently serves the Southern Shores Landing Planned Unit Development. Chapter 32 of the Town Code states that the Planning Board shall be responsible for screening all projects requiring wastewater management systems and the determination of compliance with the doctrines of Chapter 32, prior to recommending the project to the Town Council for final approval. In this case, the system is existing and was previously approved by the Town in 2002. Town Staff deferred to David A. Deel, Deel Engineering, PLLC, to review and comment on the proposed plans and design summary for compliance with Chapter 32 and his comments are enclosed.

RECOMMENDATION

The Land Use Plan identifies this area as Recreational in the RS-10, Residential and C, General Commercial zoning districts. All of Town Staff's concerns that are applicable to this application have been identified or are addressed in the recommended conditions. Should the Board recommend approval of the application to the Town Council, Town Staff offers the following conditions for consideration as provided by David A. Deel:

1. A copy of the State NCDEQ permit shall be provided to the Town prior to any construction activities.
2. A copy of the deed(s) placing all properties underlying the system into single ownership shall be provided to the Town prior to any construction activities.

November 16, 2016

Mr. Wes Haskett
Town Planner
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, North Carolina 27949

Re: Review of Wastewater Treatment Plant Submission
Ginguite Woods Wastewater Treatment Plant

Dear Mr. Haskett;

On behalf of the Town of Southern Shores I have reviewed the Wastewater Treatment Plant Plans & "Design Basis Summary" submitted by Apptech Design-Build, LLC for the Ginguite Woods WWTP and offer the following observations:

General: The proposed Wastewater Treatment Plant is intended to replace the existing 36,000 GPD Extended Air System with a 12,000 GPD Membrane Bioreactor system. Non-treatment components of the original plant will be retained, with the new components replacing the "heart" of the treatment train. Although the new system is smaller than the original, it is adequate to serve the existing Design Flow and the proposed system is expandable. Generally, Membrane Bioreactor systems (new proposed system) are recognized as having superior treatment to Extended Air Systems (system being replaced).

In order to understand the history and reasons for replacement of the system, I contacted Mike Robinson, P.E. (local Engineer permitting the system) directly. Per Mr. Robinson, the existing Plant is showing its age and replacement is appropriate at this time (this is normal for a WWTP – significant components have a specific lifespan and need to be periodically replaced).

Plan Review: The plans show a Membrane Bioreactor system, with most of the proposed system to be placed in tanks below-grade and with above-grade components not exceeding the height of the existing components that they are to replace. The replacement system is proposed to be placed just to the north of the existing system (further to the interior of the property) and it appears that existing screening is to remain. Based on these items, I believe that the system will comply with Sec 32-9(a) Screening.

Compliance with Chapter 32 of the Town Code: Generally, the proposed system appears to comply with the requirements of Chapter 32 with two items that will require follow-up in order to demonstrate compliance:

32-5(a) System shall meet DCHD & State Requirements: In order to obtain a state permit, the WWTP must go through a rigorous review by the DCHD and NCDEQ. Issuance of the NCDEQ Permit will demonstrate compliance with the requirements of Section 32-5(a). **Recommend that the Town place a condition on any Town approval requiring that a copy of the State permit be provided to the Town prior to any construction activities.**

32-5(b) System shall have one owner:

32-7(b) No WWTP on lands not owned or leased by the WWTP owner: Per Mike Robinson, P.E., the existing system has been taken over by the State under a "Special Order of Consent" (SOC) due to abandonment by the original developer. Due to this process, the small parcel that the treatment plant sits on was placed in foreclosure and sold accordingly. Therefore, the complete existing system is actually located across three parcels: The Ginguite Parcel, which is owned by an LLC of SAGA, The small

WWTP parcel, which is owned by Paragon Utilities, and the WW Disposal parcel, which is owned by an LLC of SAGA (exact names of the entities were not available at the writing of this review due to Dare GIS being down for maintenance). SAGA will be taking over the entire system and will place the whole project under a single entity once a permit is issued to assure that their plans & needs will be met.

Recommend that the Town place a condition on any Town approval requiring that a copy of the deed(s) placing all properties underlying the system into single ownership be provided to the Town prior to any construction activities.

My review finds the proposal to be in general conformance with the requirements of Chapter 32, with the items noted above needing follow-up. If you have any questions, please do not hesitate to contact me at (252)202-3803.

Sincerely,

David A. Deel, P.E.